

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN R. MCWHIRTER, et al.	:	CIVIL ACTION NO. 4:12-CV-704
	:	
Plaintiffs	:	(Chief Judge Kane)
	:	(Magistrate Judge Schwab)
V.	:	
	:	
GEORGE J. SELEMBO, JR., et al.	:	
	:	
Defendants	:	

**ORDER**

Before the Court in the above-captioned action is a November 26, 2012 report of the Magistrate Judge. No timely objections have been filed.

**AND NOW**, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson.
- 2) The Defendants/Counterclaim Plaintiffs motion to dismiss the complaint lodged against them by the Plaintiffs (Doc. No. 12.), is **DENIED** without prejudice.
- 3) The case is **REMANDED** to Magistrate Judge Schwab for further proceedings.

S/ Yvette Kane  
YVETTE KANE, Chief Judge  
United States District Court  
Middle District of Pennsylvania

Dated: December 20, 2012